



FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

IN THE DISTRICT COURT FOR THE STATE OF OKLAHOMA  
OKLAHOMA COUNTY

MAY 30 2019

CARROL E. HUTCHISON

PLAINTIFF, )

RICK WARREN  
COURT CLERK

40 \_\_\_\_\_

v. )

CASE NO. CJ-2018-6418

DEVON ENERGY PRODUCTION  
COMPANY, LP

DEFENDANT. )

JURY TRIAL DEMANDED  
ATTORNEY'S LIEN CLAIMED

**AMENDED PETITION**

COMES NOW, Plaintiff Carrol Hutchison with her Amended Petition to change the style of the case to correct the Defendant's name in her cause of action against Devon Energy Production, LP, Defendant.<sup>1</sup> Plaintiff alleges and states as follows:

**JURIDICTION AND VENUE**

1. Plaintiff Carrol Hutchison is a citizen of Oklahoma and a resident of Oklahoma County.
2. Defendant Devon Energy Production Company, LP ("Devon") is a domestic corporation doing business in Oklahoma with its primary place of business in Oklahoma County, Oklahoma.
3. All of the acts complained of occurred in Oklahoma County.

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<sup>1</sup> Under 12 O.S. § 2015(A), Plaintiff may amend her pleading once as a matter of course within 20 days after it has been served and before a responsive pleading has been served. In the instant case, the pleading was served upon the Defendants on May 15, 2019, and a responsive pleading has not yet been served. Additionally, under 12 O.S. § 2015(C)(3), this amended petition relates back to the initial petition filed in this matter since it is an amendment to change only the naming of the Defendant.

### **FACTUAL ALLEGATIONS**

4. Plaintiff Carrol Hutchison was employed with the Defendant until May 1, 2018, when she was terminated.
5. Plaintiff filed a charge of discrimination with the EEOC on June 29, 2018. *See Exhibit 1, EEOC Intake Questionnaire (redacted)*
6. A Right to Sue was issued on August 22, 2018. *See Exhibit 2, Right to Sue Letter (redacted)*
7. This matter is timely filed.

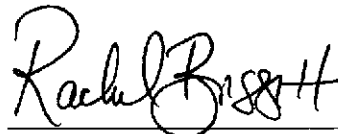
### **CAUSE OF ACTION**

8. In April 2018, Defendant was experiencing a company-wide reduction in force.
9. On or about April 25, 2018, Plaintiff received a copy of a list of individuals who either had been laid off or were in the process of being laid off.
10. Upon receipt of the document, Plaintiff was not advised that she should not share the information or that the information contained in the document was considered confidential or proprietary.
11. Plaintiff forwarded the document on to other individuals within the company in the same way that the document had been forwarded to her.
12. The document in question was not created by Devon or management and therefore could not have contained propriety or confidential information of the company. On information and belief, the document was created by the individual that had emailed it to Plaintiff.
13. Plaintiff is over the age of 63, and as such, is a member of a protected class based on age.
14. On May 1, 2018, Plaintiff was terminated. Defendant alleged that Plaintiff had distributed proprietary information.

15. The reason given to Plaintiff as the basis of her termination was untrue and is a pretext used to hide the actual reason for her termination, which was her age as a member of the protected class, as others younger than Plaintiff with worse infractions were not terminated.
16. Plaintiff was wrongfully discharged from her employment on the basis of her age in violation with the Age Discrimination in Employment Act and the Oklahoma Anti-Discrimination Act.
17. As a result of the wrongful conduct of the Defendant, the Plaintiff has lost the privileges of her employment with Devon and has sustained damages in lost wages and benefits, emotional distress and pain and suffering, damage to reputation and earning capacity, attorney's fees and litigation expense.

**WHEREFORE**, Plaintiff Carrol Hutchison respectfully requests that the Court enter judgment in her favor and against the Defendant for the loss of her employment and benefits and damage to reputation and award her the attorney fee's and costs incurred in the prosecution of this action.

Respectfully submitted by:



Rachel Bussett, OBA#19769  
Patricia Podolec, OBA # 21325  
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[PPodolec@BussettLegal.com](mailto:PPodolec@BussettLegal.com)  
*Counsels for Plaintiff*

**CERTIFICATE OF SERVICE**

I certify that on the 30<sup>th</sup> day of May 2019, a true, correct, and complete copy of the above and foregoing was sent via U.S. Mail, postage prepaid thereon to:

Paige Good, Attorney  
c/o McAfee & Taft  
10<sup>th</sup> Floor, Two Leadership Square  
211 N. Robinson  
Oklahoma City, OK 73102-7103



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE

Please immediately complete this entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, within 180 days or in some places within 300 days of the alleged discrimination. When we receive this form, we will review it to determine EEOC coverage. **Answer all questions completely, and attach additional pages if needed to complete your responses. If you do not know the answer to a question, answer by stating "not known."** If a question is not applicable, write "N/A." (PLEASE PRINT)

### 1. Personal Information

Last Name: Hutchison First Name: Carol MI: E.  
 Street or Mailing Address: \_\_\_\_\_ Apt or Unit #: \_\_\_\_\_  
 City: \_\_\_\_\_ County: \_\_\_\_\_ State: OK Zip: 73102  
 Phone Numbers: Home: (405) \_\_\_\_\_ Work: ( ) \_\_\_\_\_  
 Cell: (405) \_\_\_\_\_ Email Address: \_\_\_\_\_  
 Date of Birth: 01/01/1968 Sex: ☐ Male ☒ Female Do You Have a Disability? ☐ Yes ☒ No

Please answer each of the next three questions. i. Are you Hispanic or Latino? ☐ Yes ☒ No

ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaskan Native ☐ Asian ☒ White  
☐ Black or African American ☐ Native Hawaiian or Other Pacific Islander

iii. What is your National Origin (country of origin or ancestry)? USA

### Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: David A. Hutchison Relationship: Husband  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: OK Zip Code: \_\_\_\_\_  
 Home Phone: ( ) \_\_\_\_\_ Other Phone: (405) \_\_\_\_\_

### 2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

☒ Employer ☐ Union ☐ Employment Agency ☐ Other (Please Specify) \_\_\_\_\_

**Organization Contact Information** (If the organization is an employer, provide the address where you actually worked. If you work from home, check here ☐ and provide the address of the office to which you reported.) **If more than one employer is involved, attach additional sheets.**

Organization Name: Devon Energy  
 Address: 333 W. Sheridan County: Oklahoma  
 City: OK 73103 State: OK Zip: 73102 Phone: ( ) 235-3611  
 Type of Business: Oil & Gas Job Location if different from Org. Address: \_\_\_\_\_  
 Human Resources Director or Owner Name: Tonya Cashion Phone: (405) 235-3611

### Number of Employees in the Organization at All Locations: Please Check (J) One

☐ Fewer Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☒ More than 500

### 3. Your Employment Data (Complete as many items as you are able.) Are you a federal employee? ☐ Yes ☒ No

Date Hired: 2/17/2014 Job Title At Hire: Senior Reservoir Technician  
 Pay Rate When Hired: \$143,000.00 Last or Current Pay Rate: \$148,000.00  
 Job Title at Time of Alleged Discrimination: same Date Quit/Discharged: 5/1/2018  
 Name and Title of Immediate Supervisor: Brett Pribble, Reservoir Manager for ABBU  
 If Job Applicant, Date You Applied for Job \_\_\_\_\_ Job Title Applied For \_\_\_\_\_

**4. What is the reason (basis) for your claim of employment discrimination?**

*FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.*

☐ Race ☐ Sex ☒ Age ☐ Disability ☐ National Origin ☐ Religion ☐ Retaliation ☐ Pregnancy ☐ Color (typically a difference in skin shade within the same race) ☐ Genetic Information; circle which type(s) of genetic information is involved:  
i. genetic testing ii. family medical history iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: \_\_\_\_\_

If you checked genetic information, how did the employer obtain the genetic information? \_\_\_\_\_

Other reason (basis) for discrimination (Explain): see attached

**5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.**  
(Example: 10/02/06 – Discharged by Mr. John Soto, Production Supervisor)

A. Date: \_\_\_\_\_ Action: see attached

Name and Title of Person(s) Responsible: \_\_\_\_\_

B. Date: \_\_\_\_\_ Action: \_\_\_\_\_

Name and Title of Person(s) Responsible: \_\_\_\_\_

**6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.**  
see attached

**7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?**  
see attached

**8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.**

**Of the persons in the same or similar situation as you, who was treated *better* than you?**

Full Name	Race, Sex, Age, National Origin, Religion or Disability	Job Title	Description of Treatment
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A. see attached

B. \_\_\_\_\_

Of the persons in the same or similar situation as you, who was treated *worse* than you?

<u>Full Name</u>	<u>Race, Sex, Age, National Origin, Religion or Disability</u>	<u>Job Title</u>	<u>Description of Treatment</u>
A. _____	_____	_____	_____
B. _____	_____	_____	_____

Of the persons in the same or similar situation as you, who was treated the *same* as you?

<u>Full Name</u>	<u>Race, Sex, Age, National Origin, Religion or Disability</u>	<u>Job Title</u>	<u>Description of Treatment</u>
A. _____	_____	_____	_____
B. _____	_____	_____	_____

Answer questions 9-12 only if you are claiming discrimination based on disability. If not, skip to question 13. Please tell us if you have more than one disability. Please add additional pages if needed.

9. Please check all that apply:

- ☐ Yes, I have a disability  
☐ I do not have a disability now but I did have one  
☐ No disability but the organization treats me as if I am disabled

10. What is the disability that you believe is the reason for the adverse action taken against you? Does this disability prevent or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring for yourself, working, etc.).

\_\_\_\_\_

\_\_\_\_\_

11. Do you use medications, medical equipment or anything else to lessen or eliminate the symptoms of your disability?

☐ Yes ☐ No

If "Yes," what medication, medical equipment or other assistance do you use?

\_\_\_\_\_

\_\_\_\_\_

12. Did you ask your employer for any changes or assistance to do your job because of your disability?

☐ Yes ☐ No

If "Yes," when did you ask? \_\_\_\_\_ How did you ask (verbally or in writing)? \_\_\_\_\_

Who did you ask? (Provide full name and job title of person)

\_\_\_\_\_

\_\_\_\_\_

Describe the changes or assistance that you asked for: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How did your employer respond to your request? \_\_\_\_\_

see attached

13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

Full Name	Job Title	Address & Phone Number	What do you believe this person will tell us?
A. see attached			
B.			

14. Have you filed a charge previously on this matter with the EEOC or another agency? ☐ Yes ☒ No

15. If you filed a complaint with another agency, provide the name of agency and the date of filing: \_\_\_\_\_

16. Have you sought help about this situation from a union, an attorney, or any other source? ☒ Yes ☐ No  
Provide name of organization, name of person you spoke with and date of contact. Results, if any?  
see attached

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

**BOX 1** ☐ I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

**BOX 2** ☒ I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.

Carol Hutchinson / KAT  
Signature

6/25/18  
Today's Date

**PRIVACY ACT STATEMENT:** This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

- 1) FORM NUMBER/TITLE/DATE. EEOC Intake Questionnaire (9/20/08). 2) AUTHORITY. 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626, 42 U.S.C. 12117(a)
- 3) PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge. 4) ROUTINE USES. EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters.
- 5) WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.



**Carrol Hutchison – Extra Page**

4. Received a rumored list of laid-off or retiring VPs, Manager and Supervisors from a fellow employee, that she created from rumors that other employees emailed, texted, IM'd or called to tell her who in their group or other groups that they had heard were laid-off. I forwarded the list to two other employees and a retired employee. Devon claimed that this list was proprietary. The two of us were terminated while the others (could have been tracked also) were not.

5. Harm: 4/25/2018 – Forwarded rumored list of laid-off or retiring VPs, Managers and Supervisors from a fellow employee to two other employees and a retired employee.

Action: 5/1/2018 – Fired (terminated).

Person(s) who discriminated: Don't know.

6. I think that they were discriminatory because lists were sent around by others during 2016 layoffs and no one was fired then, i.e. I was on vacation and received rumored lists of laid-off employees. So precedence was established that this was okay and no new information was put out before layoffs that this was no longer accepted behavior.

7. The Security Guard, Phillip, and the IT Security person said that I had shared proprietary data and that there was at least one individual on the list of rumored layoffs that was not being let go. I believe that these actions were discriminatory because I worked with proprietary data all the time in the form of production, future drilling schedule, economics, etc. that would harm the company if given to other individuals or companies, where this list did not harm the company.

**8. Same treatment:**

Aubrey Meadors	Female, 28 years old	Reservoir Engineer Tech.	Terminated
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**13.**

Beth Taylor	Reservoir Engineering Tech	405-XXX-XXXX	That the punishment didn't fit the crime – that everyone was calling, texting, IM'ing, etc. names – not just Aubrey and myself.
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Brett Pribble	Reservoir Engineer Manager	405-XXX-XXXX	Surprised by the decision
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Jan Glasgow	Reservoir Engineer Manager	405-XXX-XXXX	Surprised that this was Devon's reaction to sharing a rumored list.
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16. Kelly A. Hensley, Bussett Legal Group, 405-605-8073

Grievances that I could have filed, but chose not to cause problems for Devon:

July, 2014 – HR Rep, Jenni Stevens, made fun of me for wanting to not be known as a new employee and she laughed and said that she would print me up a certificate for more years, if it made me feel better. I was there asking about bridging my time.

March, 2017 – Staff meeting when a statement was made about having the least experienced engineers and the most experienced techs. (Age)

April, 2018 – An engineer made a remark about me not being worried about the layoffs since I was so close to retirement any way (age) – I made light of it.

EEOC Form 161 (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Carrol E. Hutchison**From: **Oklahoma City Area Office  
215 Dean A. McGee Avenue  
Suite 524  
Oklahoma City, OK 73102***On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))*

EEOC Charge No.

EEOC Representative

Telephone No.

**564-2018-01817****Tandi J. Dillard,  
Investigator****(405) 231-4317****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



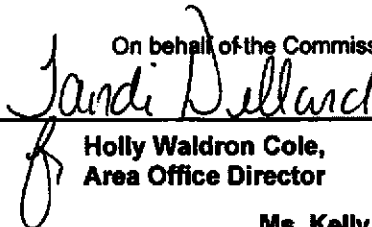
Other (briefly state)

**- NOTICE OF SUIT RIGHTS -***(See the additional information attached to this form.)*

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission



**Holly Waldron Cole,  
Area Office Director**

**August 22, 2018***(Date Mailed)*

Enclosures(s)

cc:

**Sandy Shovanec  
Senior VP of Human Resources  
DEVON ENERGY CORP  
333 W. Sheridan Avenue  
Oklahoma City, OK 73102**

**Ms. Kelly A. Hensley  
BUSSETT LEGAL GROUP PLLC  
432 N.W. 11th St.  
Oklahoma City, OK 73103**

Exhibit 2